

Notice of Allowability

Application No.

09/752,274

Examiner

Vanel Frenel

Applicant(s)

LIEBERMAN ET AL.

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 3/30/07.
2. ☒ The allowed claim(s) is/are 1-31, 36-38 and 40-43.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

DETAILED ACTION

Notice to Applicant

1. This communication is in response to the RCE filed on 3/30/07. Claims 32-35, 39 and 44 have been cancelled. Claims 1-31, 36-38 and 40-43 are pending.

Allowable Subject Matter

2. Claims 1-31, 36-38 and 40-43 are allowed. The following is an Examiner's statement of reasons for allowance in light of Applicant's arguments.

Claim 1 is directed to "prompting the medical provider to enter medical data directly into the medical certification for displayed on the second client system, the medical data including a recommendation relating to the reason for the FMLA leave request; entering the medical data including recommendation relating to the reason for the FMLA leave request directly into the medical certification form by the medical provider via the second client system; automatically uploading a completed medical certification form from the second client system to the server for storage in the FMLA database; comparing, at the server, the request data entered by the requester to the medical data entered by the medical provider, and determining whether the reason provided by the requester for the FMLA leave request corresponds with the recommendation provided by the medical provider; and transmitting from the server a final approval or disapproval to the requester at the first client system after performing the data comparison at the server".

The closest prior art of record, Grimse et al (6,269,355) discloses automated process guidance system and method using knowledge management system.

Kahn et al (6,401,079) discloses system for web-based payroll and benefits administration (6,401,079).

Fritschen et al (2002/0133376) discloses healthcare network with durable medical equipment prescription and physician signature services.

Gary Meyer. HRMagazine. Alexandria: May 1997. Vol.42, Iss.5; pg.45, 3pgs discloses Computer –guided FMLA administration.

Deborah Kweller Business Editors. Business Wire. New York: Feb 16, 2000. pg.1 discloses Absence-Mgr.com Upgraded to Account for Family Medical Leave Act Requirements; Web-Based Tool Helps Employers to Better Manage Employee Absences.

However, none of the cited prior art discloses above nor fairly suggests prompting the medical provider to enter medical data directly into the medical certification for displayed on the second client system, the medical data including a recommendation relating to the reason for the FMLA leave request; entering the medical data including recommendation relating to the reason for the FMLA leave request directly into the medical certification form by the medical provider via the second client system; automatically uploading a completed medical certification form from the second client system to the server for storage in the FMLA database; comparing, at the server, the request data entered by the requester to the medical data entered by the medical provider, and determining whether the reason provided by the

requester for the FMLA leave request corresponds with the recommendation provided by the medical provider; and transmitting from the server a final approval or disapproval to the requester at the first client system after performing the data comparison at the server".

Claims 2-12, 14-31, 37-38 and 41-43 incorporate the feature of claims 1, 13, 36 and 40 through their dependencies, and are also allowed for the same reasons given above.

A search has been conducted for a foreign prior art, however, none has been found.

3. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vanel Frenel whose telephone number is 571-272-6769. The examiner can normally be reached on 6:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zeender, Ryan Florian can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

V.F

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June 20, 2007


Primary Examiner, AU 3627